

From: Clancy, Mark L.
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 1:27pm
Subject: Microsoft Settlement

Dear U.S. Department of Justice Antitrust Division,
I am writing to express my concern over the proposed Final Judgement against Microsoft in the case of United States v. Microsoft Corp., Civil No. 98-1232.

The proposed terms of settlement do not provide sufficient safeguards that specifications for Microsoft platforms and middleware will be publicly available to me as a software developer in the IT department of a large corporation that is not a software vendor. It's important that such documentation is available to the software development community as a whole, not just selected software vendors. The corporate IT infrastructure I support is large, diverse, and largely internally developed. The quality and value of our services is driven by the availability of valid technical software information, just as for a software vendor.

Section III.D of the proposed Final Judgement states "...Microsoft shall disclose to ISVs, IHVs, IAPs, ICPs, and OEMs, for the sole purpose of interoperating with a Windows Operating System Product, via the Microsoft Developer Network ("MSDN") or similar mechanisms, the APIs and related Documentation that are used by Microsoft Middleware to interoperate with a Windows Operating System Product". While MSDN is an invaluable resource to software developers, I often find dissembling, biased, propagandistic, and coercive commentary in place of straightforward, unbiased technical information in its articles. Also, Microsoft is notorious for reorganizing its content to be consistent with Microsoft's market interests, deprecating and concealing legacy documentation. MSDN is a fine resource, but I am skeptical that without oversight, it could easily become simply another marketing vehicle for Microsoft.

Unbiased, detailed technical specifications for the Windows platform and its interfaces are far more helpful than market-generated literature in IT infrastructure strategy and development, especially when the market is distorted, as in this case. Publishing this information, actively monitoring its quality, ensuring it is valid and usable, and making it widely available to software developers in every setting is in the public interest.

While it may be politically expedient to settle this case as quickly as possible, it is in the interest of the software development community, the larger community of corporate software users, and of the public at large, to provide effective remedies which allow effective cooperation and competition in the software marketplace. Attorneys General of several states, including Minnesota, my home state, are agreed that the proposed Final Settlement is inadequate.

Thank you for considering my position.

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